

# CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)

Applicant(s): **Russell Warner**

Docket No.

**ROBI-4162**

Application No.

**10/728,375**

Filing Date

**12/3/2003**

Examiner

**Suzanne L. Dino Barrecl**

Group Art Unit

**3676**

Invention: **FROZEN DOOR OPENER**

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JAN 18 2005

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JAN 18 2005

Applicant: Russell Warner	)	Examiner: Suzanne L. Dino Barrett
Serial No.: 10/728,375	)	Art Unit: 3676
Filed: December 3, 2003	)	
For: FROZEN DOOR OPENER	)	

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Commissioner For Patents  
Alexandria, VA

Sir:

**REQUEST FOR RECONSIDERATION**

This request is being filed in response to the Advisory Action mailed December 27, 2004, and which issued subsequent to a telephone conference with the Patent Examiner conducted on December 7, 2004. Applicant thanks Examiner Barrett for the courtesies extended during the interview.

Claim 1 was rejected by the Examiner as being unpatentable over the device disclosed in United States Patent No. 4,788,893 (Sutton). The Examiner alleges that Figure 2 of this document seems to illustrate a door handle opener having an angle of 65 degrees between the two portions. Respectfully, applicant requests the Examiner to reconsider her position based upon the MPEP § 2125 and the decision In Re Wright, 569 F.2d 1124, 193 USPQ 332 (CCPA 1977). In the Applicant's opinion, and regardless of the Examiner's contention that the present invention does not distinguish over Sutton because Figure 2 of Sutton seems to illustrate a door handle opener having

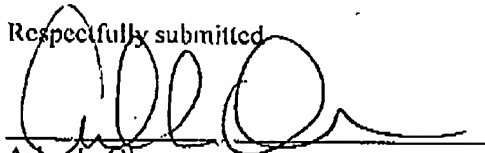
an angle of 65 degrees between the two portions, the specification of Sutton, in fact, teaches away from an angle of 65 degrees. More particularly, the Applicant notes that Sutton clearly indicates, on column 2 at lines 54-56, that, "...the four bumps 12 on hinge 10 function to LIMIT the opening of the hinge 10 to approximately 45 degrees.

By contrast, the present invention describes a device having a first plate portion in spaced relation to the second plate portion to form a substantially right angle about a central point of from 60 degrees to 85 degrees. This is completely absent from the device described in Sutton, and the Applicant respectfully submits that amended independent claim 1, as amended in the previous Response, is distinguishable from the device disclosed in Sutton, and, moreover, would not at all be obvious from anything provided in Sutton. All dependent claims are patentable over the prior art cited for at least the same reasons as those provided for the independent claims from which the dependent claims depend.

Reconsideration and allowance are respectfully requested in view of the Remarks above.

No additional fee is required. However, the Honorable Commissioner is hereby authorized to charge payment of any fees due with this communication or credit any overpayment to Deposit Account No. 19-0513.

Respectfully submitted



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Date: 1/18/05

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